

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Mark David CHARLES, et al.

Serial No.: 09/890,775

Group Art Unit: Unknown

Filed: August 6, 2001

Examiner: Unassigned

For: N²-PHENYLAMIDINE DERIVATIVES

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF SHONA MERIGEALT
IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47

Sir:

I, Shona Merigeault, declare as follows:

1. I am an employee of Aventis CropScience ("Aventis"), the assignee of the present application, and function as Aventis' patent attorney and head of the Department of Intellectual Property.
2. I have been administratively responsible for obtaining the inventors' signatures on the Declaration and Assignment documents in connection with this application.
3. At the time of the invention which is the subject matter of the application, inventors Mark David Charles and Donald James Simpson were employees of Aventis at its research facility in Cambridge, England. The invention resulted from work performed for Aventis by several inventors, including inventors Mark David Charles and Donald James Simpson, as employees of Aventis. As employees of Aventis, Mr. Charles and Mr. Simpson were, and still are, under an obligation to assign all of their rights in the invention to Aventis. Mr. Charles' and Mr. Simpson' contracts of employment with Aventis were subsequently terminated in 2000 when Aventis' research facility in England closed.

4. The present application claims priority of the British application 9902592.6 which was filed on February 9, 1999 without identifying the inventors.

5. An international application (PCT/GB00/00345) was filed on February 4, 2000 claiming priority of the above-identified British application naming six inventors including Mr. Charles and Mr. Simpson. At that stage, the signatures of the inventors were not necessary or requested.

6. The national phase of the above-identified PCT application was entered in the United States on August 6, 2001 by filing of the present application. An identical copy of the present application, the Declaration and Power of Attorney as well as Assignment forms ("formal papers") were sent to the last recorded home address of each of the six inventors on August 27, 2001 by Madame Marie-France Jacquier who is assisting me and works under my supervision in connection with administrative work related to the present application. The fully executed forms were returned from each inventor except from Mr. Charles and Mr. Simpson. A reminder letter was further sent to both Mr. Charles and Mr. Simpson on September 13, 2001.

7. The letter addressed to Mr. Charles has been returned by the Royal Mail in England with a stamp stating "address unknown." Aventis has been unable to locate a new address for Mr. Charles.

8. The last known address for Mr. Charles is the following:

Mr. Mark David Charles
Flat 18 b, 51-53 Kings Road
Brighton
BN1 1NA
England

9. Mr. Simpson appears to have received the letter forwarding the formal papers for signature but has refused to execute the documents indicating to me that since Aventis terminated his employment, he sees no need to assist this company with administrative details.

10. The last known address for Mr. Simpson is as follows:

Mr. Donald James Simpson
74 Abbots Road
Haverhill
Suffolk
CB9 0DH
England

11. I further declare that all statements made herein are of my own knowledge, are true, and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this declaration. this application or any registration resulting therefrom.

Dated: February 8th, 2002



Shona Merigeault